

# Chapter 8

## CONDITIONAL USES

**An ordinance  
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### **Section 8-1 Purpose of Conditional Use Provisions**

Certain uses which may be harmonious under special conditions and in specific locations within a district, but be improper under general conditions and in other locations, are classed as conditional uses within the various districts and require conditional use permits for approval.

### **Section 8-2 Permit Required**

A conditional use permit shall be required for all uses listed as conditional uses in the district regulations or elsewhere in this Ordinance. A conditional use permit may be revoked upon failure to comply with conditions precedent to the original approval of the certificate. No building permit or other permit or license shall be issued for a use requiring conditional use without first being approved by the Kanab City Planning Commission.

### **Section 8-3 Application**

1. A conditional use permit application shall be made to the Kanab City Planning Commission as provided in this Ordinance. Applications for a conditional use permit shall be accompanied by maps, drawings, statements, or other documents as required by the Kanab City Planning Commission.

2. Notification of Planning Commission meeting may be mailed to all property owners appearing on the latest ownership plat in the Kane County Records Office within a 140 foot radius of any property for which an action of the Planning Commission is being requested. The applicant for this service shall pay an administrative fee.

### **Section 8-4 Fee**

The application for any conditional use permit shall be accompanied by the appropriate fee as determined by the Kanab City Council.

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### Section 8-5 Development Plan

The applicant for a conditional use permit shall prepare a site plan with elevations (as may be necessary) for the site being proposed for development. The plan shall be drawn to scale and show all existing and proposed buildings, roads, parking, and other information that the Kanab City Planning Commission may deem necessary.

### Section 8-6 Planning Commission and City Council Action

1. The Planning Commission or City Council shall approve a Conditional Use Permit if reasonable conditions can be imposed to mitigate the reasonably anticipated detrimental effects of the proposed use in accordance with applicable standards. In approving any Conditional Use Permit the Planning Commission or City Council may impose conditions deemed necessary to protect the public welfare, ensure compatibility with other uses in the vicinity, and ensure that the negative impact of the proposed use on the surrounding uses and public facilities is minimized. These conditions may include the following:

- a. The site size, dimensions, location, topography and access are adequate for the needs of the proposed use, considering the proposed building mass, parking, traffic, noise, vibration, exhaust/emissions, light, glare, erosion, odor, dust, visibility, safety, and aesthetic considerations;
- b. All required public facilities have adequate capacity to serve the proposed conditional use;
- c. Limiting the hours, days, place and/or manner of operation;
- d. Requiring larger setback areas, lot area, and/or lot depth or width;
- e. Limiting the building height size or lot coverage, and/or location on the site;
- f. Designating the size, number, location and/or design of vehicle access points or parking areas;
- g. Requiring street right-of-way to be dedicated streets, sidewalks, curbs, planting strips, pathways, or trails to be improved provided that:
  1. an essential link exists between a legitimate governmental interest and each exaction; and
  2. each exaction is roughly proportionate, both in nature and extent to the impact of the proposed development;

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- h. Requiring landscaping, screening, drainage, water quality facilities and/or improvements of parking and loading areas;
  - i. Limiting the number, size, location, design, and/or intensity of outdoor lighting;
  - j. Requiring berms, screening or landscaping and the establishment of standards for their installation and maintenance;
  - k. Requiring and designating the size, height, location and/or materials for fences;
  - l. Encouraging the protection and preservation of natural features including existing trees, soils, vegetation, watercourses, habitat areas, drainage areas, historic resources, slopes, cultural resources, and/or sensitive lands;
  - m. Requiring the protection and preservation of groundwater recharge areas;
  - n. Limiting noise generation;
  - o. Minimizing environmental impacts to identified wetlands;
  - p. Turn-lane improvements at street intersections when:
    - 1. an unsafe condition would be created by the development without the improvements; or
    - 2. The projected increase in traffic generated by the new or expanded use will lower the level of service;
  - q. Providing for emergency access;
  - r. Requiring pedestrian, bicycle and transit circulation, including related facilities, as needed among buildings and related uses on the development site, as well as to adjacent and nearby residential areas, transit stops, neighborhood activity centers, office parks, and industrial parks;
  - s. Requiring approval of septic and of water systems;
  - t. Requiring buildings to be built to specific requirements.
2. In approving or recommending approval of a conditional use permit, the Kanab City Planning Commission or City Council shall find:
- a. That the proposed use is necessary or desirable and will contribute to the general well-being of the community.
  - b. That the use will not be detrimental to the health, safety, or welfare of persons residing, or working in the vicinity, or injurious to property or improvements in the vicinity.

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## CITY OF KANAB

### Uniform Zoning Ordinance

- c. That the proposed use will comply with the regulations of this Ordinance.
- d. That the proposed use is in harmony with the intent and purpose of the Kanab City Master Plan or that the plan shall have first been amended through public hearing.

#### **Section 8-7 Expansion of a Conditional Use**

No use or structure in which a conditional use is located may expand without the approval of the Kanab City Planning Commission or the Kanab City Council. Before expanding, the applicant shall present to the Kanab City Planning Commission a Development Plan meeting the requirements of 8-5 above. No public hearing need be held. However, the Kanab City Planning Commission may deem a hearing necessary.

#### **Section 8-8 Inspection**

Following the issuance of a conditional use permit by the Kanab City Planning Commission, the Kanab City Building Inspector shall approve an application for a building permit, and shall insure that development is undertaken and completed in compliance with said conditional use and building permit.

#### **Section 8-9 Revocation**

A conditional use permit may be revoked upon failure to comply with the conditions imposed with the original approval of the permit and the applicant shall be so notified of revocation by the City of Kanab. The permit may be reinstated upon determination by the Kanab City Planning Commission that the cause for revocation has been corrected and that the applicant intends to proceed according to the plans approved by the Kanab City Planning Commission at the time the permit was originally issued, or as they might have been properly amended by the Kanab City Planning Commission from time to time during the period of the conditional use. Revocation or reinstatement of a conditional use permit for a Planned Development, Mobile Home Subdivision, Mobile Home Park, or Recreational Coach Park is the responsibility of the Kanab City Council.